

June 8, 2004
Case No.: PHN 17,631 (7790/135)
Serial No.: 09/656,987
Filed: September 7, 2000
Page 7 of 10

-- REMARKS --

Pending Claims 11-25. In the Final Office Action, Examiner Williams rejected pending claims 11-25 on various grounds. The Applicant responds to each rejection as subsequently recited herein, and respectfully requests reconsideration of the present application:

A. Examiner Williams rejected pending claims 11-14, 19 and 21-23 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,578,892 to *Whitman et al.*

The Applicant has thoroughly considered Examiner Williams' final remarks concerning the patentability of claims 11-14, 19, and 21-23 over *Whitman*. The Applicant has also thoroughly re-read *Whitman*. To warrant this anticipation rejection of claims 11-14, 19 and 21-23, *Whitman* must show each and every limitation of independent claim 11 in as complete detail as is contained in independent claim 11. See, MPEP §2131. The Applicant respectfully asserts that *Whitman* fails to disclose, teach or suggest a plurality of pigment particles for performing a function of "absorbing a first portion of the visible light propagating through said light-absorbing coating (3) without generating a light scattering of a second portion of the visible light propagating through said light-absorbing coating (3)" as recited in independent claim 11. See, *Whitman* at column 5, lines 39-54. To overcome this anticipation rejection, the Applicant has therefore amended independent claim 11 to recite a 35 U.S.C. §112, ¶6 means limitation of a plurality of pigment particles for performing a function that is neither disclosed, taught or suggested by *Whitman*.

Withdrawal of the rejection of independent claim 11 under 35 U.S.C. §102(b) as being anticipated by *Whitman* is therefore respectfully requested.

June 8, 2004
Case No.: PHN 17,631 (7790/135)
Serial No.: 09/656,987
Filed: September 7, 2000
Page 8 of 10

Claims 12-14, 19 and 21-23 depend from independent claim 11. Therefore, dependent claims 12-14, 19 and 21-23 include all of the elements and limitations of independent claim 11. It is therefore respectfully submitted by the Applicant that dependent claims 12-14, 19 and 21-23 are allowable over *Whitman* for at least the same reason as set forth with respect to independent claim 11 being allowable over *Whitman*. Withdrawal of the rejection of claims 12-14, 19 and 21-23 under 35 U.S.C. §102(b) as being anticipated by *Whitman* is therefore respectfully requested.

B Examiner Williams rejected pending claims 15-18 and 20 under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 5,578,892 to *Whitman* et al. in view of U.S. Patent No. 6,129,980 to *Tsukada* et al.

Claims 15-18 and 20 depend from independent claim 11. Therefore, dependent claims 15-18 and 20 include all of the elements and limitations of independent claim 11. It is therefore respectfully submitted by the Applicant that dependent claims 15-18 and 20 are allowable over *Whitman* in view of *Tsukada* for at least the same reason as set forth with respect to independent claim 11 being allowable over *Whitman*. Withdrawal of the rejection of claims 15-18 and 20 under 35 U.S.C. §103(a) as being unpatentable over *Whitman* in view of *Tsukada* is therefore respectfully requested.

June 8, 2004
Case No.: PHN 17,631 (7790/135)
Serial No.: 09/656,987
Filed: September 7, 2000
Page 9 of 10

C. Examiner Williams rejected pending claims 24 and 25 under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 5,578,892 to *Whitman* et al. in view of U.S. Patent No. 5,359,255 to *Kawai* et al.

Claims 24 and 25 depend from independent claim 11. Therefore, dependent claims 24 and 25 include all of the elements and limitations of independent claim 11. It is therefore respectfully submitted by the Applicant that dependent claims 24 and 25 are allowable over *Whitman* in view of *Kawai* for at least the same reason as set forth with respect to independent claim 11 being allowable over *Whitman*. Withdrawal of the rejection of claims 24 and 25 under 35 U.S.C. §103(a) as being unpatentable over *Whitman* in view of *Kawai* is therefore respectfully requested.

Pending 26-30. The Applicant respectfully hereby acknowledges the allowance of claims 26-30, and reserves the right to cancel claims 11-25 for consideration in a continuation application if it necessary to an issuance of claims 26-30.

June 8, 2004

Case No.: PHN 17,631 (7790/135)

Serial No.: 09/656,987

Filed: September 7, 2000

Page 10 of 10

SUMMARY

Examiner Williams' anticipation and obviousness rejections of claims 11-25 have been obviated by the amendment herein of independent claim 11. The Applicant respectfully submits that pending claims 11-30 as listed herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Williams is respectfully requested to contact the undersigned at the telephone number listed below.

Dated: June 8, 2004Respectfully submitted,
MARCEL R. BOHMER, *et al.*

PHILIPS IP & STANDARDS
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9669
Fax: (914) 332-0615

Frank Keegan
Registration No. 50,145
Attorney for Applicants

CARDINAL LAW GROUP
Suite 2000
1603 Orrington Avenue
Evanston, Illinois 60201
Phone: (847) 905-7111
Fax: (847) 905-7113


Frank C. Nicholas
Registration No. 33,983
Attorney for Applicants